CONFIDENTIAL

19 54 **File No.** ERP 11564 P 2

REH , HOUSING & BACKWARD CLASSES. **DEPARTMENT**

ERS Dep. No 64 **B BRANCH** 1007 Revd. dt 28/2/57

Subject:— 57 Indo. Pak Agreement.

P 36E

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CONFIDENTIAL

Below copies of letters from the Government of India, Ministry of Rehabilitation, (1)No.60(5)/53-N. dated the 7th January 1954, (2) No.6(4)/54-N, dated the 22nd January 1934 and its accompaniments, (3) No.6(5)/54-N, dated the 22nd January 1954 and its accompaniments.

IMMEDIATE.

N o.EVP1154/3629-D
Rehabilitation Department.
Secretariat,(Annexe), Fort,
Bombay(1), 4th February 1954-

Forwarded with compliments to:-
The Deputy Custodian of Evacuee Property, Bombay,
All Collectors and Deputy Custodians of Evacuee Property.

) with reference to
) Government Endorse-
) ments, Rehabilitation
) Department No.R.141/
) 2858-B, dated the 25th
) January 1951 and No.
) R141/30386-B, dated the
) 11th August 1950.

FOR information and necessary action.

All District Superintendents of Police for information and guidance.
The Inspector General of Police, State of Bombay,
The Home Department.

) for information.

2. ~~Ox~~ The revised Implementation Instructions Nos. 5 & 6 now forwarded by the Government of India, correspond to the Original implimentation Instructions bearing the same number issued in August 1950 and accompanying the Government Endorsements referred to above. The latter should now bedeemed to have been superseded by the former.

3. All Deputy Custodians of Evacuee Property are requested to furnish the necessary information as regards Revised Implementation Instruction No. 5 in the statements Nol IV-A, V,VI and VII accompanying the letter from the Government of India, Ministry of Rehabilitation, No.6(4)/54-N, dated the 22nd January 1954, so as to reach this Department by the 20th February 1954 at the latest. In cases where seized articles have already been passed on to the Custodian of Evacuee Property they should be indicated separately.

4. All Deputy Custodians of Evacuee Property should publish the Press Note accompanying the letter from the Government of India, Ministry of Rehabilitation No. 6(5)/54-N, dated the 22nd January 1954 within their jurisdiction.

By order and in the name of the Governor of Bombay,
Sd/- (N.M.JANI).
Assistant Secretary to the Government of Bombay,
Rehabilitation Department.

Copy forwarded with compliments to the Custodian of Evacuee Property, Bombay with reference to the letter from the Government of India, Ministry of Rehabilitation No. 6(1)/54-N, dated the 22nd January 1954, addressed to this Department and copy endorsed to him with a request to takeimmediate necessary action as regards Implementation Instructions Nos. 1,2,4,and 7.

HSS.
19/5

No.6(4)/54-N.
Government of India -
Ministry of Rehabilitation.

New Delhi, dated January 22,19 54.

From

Shri P.G.Zacheriah,
Deputy Secretary to the Government of India.

To

All State Governments(except West Bengal, Assam, Manipur, Tripura and Jammu & Kashmir).

Subject:- Indo Pakistan Agreement on Movable Property of evacuees of June 1950- seized movable property- Revised Implementation Instruction No. 5.

Sir,

I am directed to say that in the Movable Property Agreement of June 1950, it has been provided that seized property, including fire-arms and money, should be restored to the evacuee owners or compensation paid in the alternative. The question was discussed again by the representatives of the Governments of India and Pakista at Karachi at the meetings held from the 27th July to the 13th August 1953 and it has been decided that lists of seized movable property, including seized fire-arms, should be exchanged between the Diplomatic representatives of the two countries within three months from the 1st January 1954, and copies of these lists should simultaneously be forwarded to the Central Government of either country. The revised procedure laid down in regard to personal and house h old effects(vide Revised Implementation Instruction No.3) issued with this Ministry's letter No.6(10)/54-N dated January 22, 1954 will apply mutatis mutandis to seized movable as regards removal, disposal and handing over of the sale proceeds. Seized fire-arms will, however, be collected together and exchanged between the diplomatic representatives of the two countries.

2. In supersession of the original Implementation Instruction No. 5 forwarded with this Ministry's letter No.11(163-J)/50-IDC dated the 2nd August, 1950, the following procedure is prescribed for the implementation of this item of the Movable Property Agreement of June 1950:-

(i) District lists of moneys seized from evacuees should be prepared (Statement No. IV A)giving the name and last known address, if any, of the evacuee owner and the amount seized.

In the case of seted articles from Evacuees shch as jewellery, bullion, other valuables and other articles (but not fire-arms) lists should be prepared(Statement No.V)

(iii) In the case of setzed fire-arms including those deposited by evacuees with a Government officer or otherwise detailed under the orders of Courts separate lists should be prepared(Statement No.VI). The fire-arms will have to be collected together and exchanged between the Diplomatic representatives of the two countries at a place to be mutually agreed upon.

(iv) In cases where seized articles have already been disposed of, lists should be prepared(Statement No.VII)showing the particulars of the articles disposed of, the name of the evacuee owner and the amount realised.

(v) Six copies of the list relating to (i) to (iv) above should be prepared. Three copies of each list should be sent to this Ministry and one to the Custodian General. Necessary action to exchange the lists with the diplomatic representatives of Pakistan, will be taken by this Ministry. One copy of the list may be sent to the Custodian of the State concerned where the property has been x seized by an authority other than the Custodian. As the lists have to be exchanged within three months from the 1st January 1954, it is requested that their preparation may be taken in hand immediately and completed asoon as possible. In any case, copies should be sent to this Ministry, the Custodian General and the Custodian concerned by the 10th March, 1954.

4. After the lists have been exchanged, further action regarding restoration, removal or disposal of these articles, other than seized fire arms, will be taken by the Custodians in the close consultation with the appropriate authorities in the State Governments. For this purpose, the relevant provisions in Revised Instruction No. 2 will apply mutatis mutandis.

5. Seized fire-arms will be exchanged between the diplomatic representatives of the two countries, as indicated in para 2(iii) above. Arrangements for exchange of fire-arms will be finalised by the two Governments in mutual consultation after the lists have been exchanged and necessary further instructions in the matter will issue in due course.

Yours faithfully,

P.G.ZACHARIAH,
Deputy Secretary to the Government of India.

Copy to Custodians of Evacuee Property, and Custodian General of Evacuee Property for information and necessary action.

Copies also forwarded to all Ministries of the Government of India, with a request that in cases where articles or moneys belonging to evacuees have been seized under their instructions, they should take similar action

KANWAR BAHADUR,
Under Secretary to the Government of India.

No.6(5)/54-N.
Government of India
Ministry of Rehabilitation

Dated: New Delhi, January 22,54.

From

Shri P.G.ZACHARIAH,
Deputy Secretary to the Government of India.

To

ALL STATE GOVERNMENTS (except WEST BENTAL, ASSAM, MANIPUR, TRIPURA & JAMMU AND KASHMIR)

Subject:- Indo-Pakistan Agreement on Movable Property-buried treasures of evacuees- Implementation Instruction No. 6.

Sir,

I am directed to invite a reference to Implementation Instruction No. 6 regarding buried treasures of evacuees issued under this Ministry's letter No.II(183-K)/50-IDC dated the 2nd August 1950. The movable Property Agreement of June, 1950 provides for facilities to be given to evacuees to unearth and remove their buried treasures left in the country of displacement. The exact arrangements for recovery and removal of buried treasures were to be worked out jointly by the Deputy High Commissioners for India and Pakistan at Lahore and Jullandur respectively and the State Governments were to give all necessary facilities for armed protection etc. as the two Deputy High Commissioners might require. Accordingly, the two Deputy High Commissioners had evolved a procedure and the matter was further considered by the representatives of the Governments of India and Pakistan during the meetings held at Karachi from the 27th July to the 13th August, 1953. The procedure evolved by the two Deputy High Commissioners has now been approved by the Governments of India and Pakistan and a copy of the procedure, in question, is enclosed. A copy of the Press Note issued by the Government of India in this behalf is also enclosed.

2. With regard to the third party claims, it should be noted that the claims not filed within a month from date of issue of press note are not to be entertained. The list of the claims recieved by the Custodians, should be forwarded before the 1st March, 1954 in duplicate to the Deiplomatic representatives of the other country and a copy should also be forwarded to the Ministry. A copy of this list, in so far as it relates to any district, should also be sent simultaneously to the Superintendent of Police of that District. Buried treasures against which no claim is shown in the list, will be allowed to be disposed of or removed to the other country. In case of the one or more articles of the recovered treasure being claimed by third parties, the remaining articles may be allowed to be removed and only the claimed articles or articles detained for decision by the Joint Committee. In deciding cases against which claims have been made, the Joint Committee will be guided among other things by the reasonably expected accuracy of particulars supplied by the claimant. When a claim is accepted, the depositer or pawner will be required to pay the amount due to the person with whom the articles was kept. In the alternative,

the articles will be sold to meet the dues and the surplus proceeds paid to the claimant.

3. I am to request that the State Governments may kindly give necessary facilities for armed protection and such other facilities as the diplomatic representatives of the Pakistan Government may require in this behalf. It may be noted that no charges will be levied for the provision of armed protection for this purposes.

Yours faithfully,

P.G.ZACHARIAH
Deputy Secretary to the Government of India.

HSS.
21/5

PRESS NOTE.

Seized articles of evacuees

According to the Movable Property Agreement of June 1950, articles of evacuees including fire-arms and moneys which have been seized by the two Governments are to be restored to the owners and in cases where restoration is not possible, evacuees owners have to be paid compensation.

The question was discurred by representatives of the Governments of India and Pakistan at their meeting held at Karachi from July 27 th August 13, 1953. As a preliminary to restoration of seized articles or payment of compensation as the case may be, the two Governments have decided that lists of such articles should be prepared and exchanged between the diplomatic representatives of India and Pakistan within three months from January 1, 1954. Applications from displaced persons concerned are not being invited for the present and they will be notified after the lists have been exchanged.

Ministry of Rehabilitation,
New Delhi, January 22, 1954.

HSS.
21/5

STATEMENT IV-A

List showing details of moneys seized from evacuees.

DISTRICT.

Sr. No.	Name of evacuee owner.	last known address in India.	Total amount seized.	Place where money is Deposited.	Remarks.

Separate lists should be prepared for each district.

HSS.
22/5

STATEMENT VII

List showing details of jewellery bullion and other valuables and other articles (but not fire-arms) seized from evacuees.

DISTRICT.

Name of evacuee owners	Last known address in India.	Description of property seized.	Approximate value.	Place where property is deposited.	Remarks.

Note:- Separate lists should be prepared for each District.

HSS.
12/5

STATEMENT VI

List showing details of fire-arms seized from evacuees.

District.

Sr. No.	name of evacuee owner.	last known address in India.	Details of fire. arms seized-i.e. whetherPistool D.B.L. Gun etc.	Place where the fire arms are lying.	Remarks.

Note- Separate lists should be prepared for each District.

HSS.
22/5

STATEMENT VII

List showing details of seized property disposed of and the amounts realised by way of sale proceeds.

District.

Sr. No.	Name of evacuee owner.	Last known address in India.	Details of seized property disposed of.	Amount realised as sale proceeds.	Administrative charges at 10%	Net remai sale proceeds payable.
1	2	3	4	5	6	7 8

Note-Separate lists should be prepared for each District.

HSS.
22/5

PROCEDURE FOR RECOVERY AND REMOVAL OF BURIED TREASURES AS DECIDED UPON BY THE TWO DEPUTY HIGH COMMISSIONERS AT JULLUNDUR AND LAHORE.

(1)* Unless action has already been taken to that effect a press note as laid-down in Implementation Instruction (3), is to be issued and claims invited and registered within one month. A list of the claims is to be forwarded to the diplomatic representative of the other country. A copy of this list, in so far as it relates to any district, should also be sent to the Superintendent of Police of that District.

(*Copy of Press Note issued is enclosed).

(2) Applications for removal of buried treasures will be called for by each diplomatic representative concerned. The question whether the applicant is the person entitled to remove the treasure is one entirely for the diplomatic representative to satisfy himself about.

(3) The diplomatic representative will lay down the programme for operation and will indent for escorts accordingly. Escorts will be provided according to indent. Size of the escort will be such as is satisfactory to the diplomatic representative indenting for it. Transport for the escort will be provided by the diplomatic representative.

(5) The Superintendent of Police will at this stage consult the list of registered claims sent to him vide sub-para (1). If the operation is one in regard to which there is no registered claim, he will simpli issue an order to the Police Station concerned or to the District Reserve for the provision of additional escort of local police of that District. A Police Officer will accompany this additional escort. This Officer and the additional escort of local Police will be responsible for the provision of necessary facilities and security during the course of operation.

(6) If the operation is one, in regard to which there is a registered claim, the Superintendent of Police will depute some senior Officer not below the rank of Deputy Superintendent of Police to accompany the party. In that case when the operation has been completed and if any valuables, are recovered, the senior Police Officer and the Officer of the diplomatic representative accompanying the party, will jointly decide on the spot whether the article about which the claim has been registered is present among it will be sealed by the Senior Officer and then over to the officer of the diplomatic representative against a receipt signed by him. The Officer of the diplomatic representative will take the claimed article to the headquarters of his Mission. The senior Police Officer will submit the receipt obtained by him and his report to the Superintendent of Police, who will subsequently forward it to the Custodian or the Rehabilitation Commissioner at the headquarters where the Mission is located. On demand by the Joint Custodian or the Rehabilitation Commissioner, the diplomatic representative willproduce the claimed article for decision by the Joint Committee in accordance with the procedure laid down separately.

(7) The other articles (i.e., after taking out the claimed article) will be allowed to be taken by the evacuee owner

If...

If these articles contain any bullion or cash, they are not to be detained and should be handed over to the Evacuee owner for being disposed of in the country itself.

(8) In order not to delay or impede the operations regarding the buried valuables, Provincial or State Government concerned must issue strict instructions to the Superintendents of Police that when an operation party comes to them necessary orders for the additional escorts of local police should be issued immediately and escort provided without any delay. It should also be made clear to the Superintendent of Police that in case of his absence on leave or on tour or for other reasons, arrangements should exist for the Additional Superintendent of Police or for the Senior most Deputy Superintendent of Polte to discharge his xx functions under these arrangements in his absence.

(9) For the buried treasure operations to be speed, it is agreed that diplomatic representative will issue a letter to the evacuee owner asking him to come to to the other country for the operation. It is only on production of this leter that a permit to visit that country will be issued by the diplomatic representative of that country.

(10) When an evacuee owner applies for a permit to visit the other country for operation of buried valuables, he will not be required to state in his application the exact village or town or tehsil, which he wishes to visit, but should state only the district to be visited. Permit will be made valid for stay at Lahore or Jullundur (or similar headquarters of diplomatic Missions) and the district to be visited (under escort). This permit will be deemed valid for the purpose of the holder travelling to the head quarter station of the diplomatic Mission of this country, and from there visiting the district concerned under escort.

III. ADJUDICATION OF CLAIMS AGAINST RECOVERED BURIED VALUABLES.

(1) Such claims will be decided at the headquarter stations where the diplomatic Mission of the other country is situated. Thus, in case of N.W.F.P., Punjab(Pak) and Bahawalpur, the claims will be adjudicated at Lahore and in case of Punjab(India) Pepsu, Himachal Pradesh and Bilaspur, the claims will be adjudicated at Jullundur. Similar arrangements will apply in respect of areas within the orbit of the Indian High Commission at Karachixx and the Pakistan High Commissioner at Delhi.

(2) The claims will be adjudicated by a Joint Committee having two representatives, one representing each country. At Karachi and Lahore, the member representing India will be nominated respectively by the High Commissioner for India at Karachi and the Deputy High Commissioner for India at Lahore. At Delhi and Jullundur the Pakistan representative will be nominated by the High Commissioner for Pakistan at Delhi and Deputy High Commissioner for Pakistan at Jullundur.

(Sd)
(ABDUL REHMAN).
4.1.51.

(sd.)
(Y.K.PURI)
4.1.51.

Note:- Whereever the word "permit" occurs it should be substituted by the word " Vis-"

HSS.
21/5

PRESS NOTE.

In accordance with the provisions of the recent Movable Property Agreement between the Governments of India and Pakistan, evacuees from either country will be given facilities for removal from either country to the other of their treasures buried underground.

Applications for removal of buried treasures should be addressed to the diplomatic representatives of the country to which the applicant now belongs. Accordingly, for removal of buried treasures from Karachi, Sind, Baluchistan and Khairpur, applications should be addressed to the High Commissioner for India, Karachi. Similarly, the Deputy High Commissioner for India, Lahore will receive applications for removal of such treasures from West Punjab and N.W.F.P., Bahalpur and other areas of West Pakistan.

The necessary arrangements for unearthing and removing treasures will be worked out by the diplomatic representatives of the two countries and the applicants will be informed about these in due course. Armed escorts will be provided free of charge by the country in which the valuables lie buried.

Nationals of either country who have claims in respect of buried articles which they had deposited or pawned with an evacuee may also apply within one month from the date of publication of this Press Note to the local Custodian of Evacuee Property (unless they have already filed such claims). The following particulars may be given:-

(i) Name and address of the person with whom the article was pawned or deposited;
(ii) detailed description of the article, e.g. gold, cash, etc., to enable its identification;
(iii) weight of the articles (approximate weight to be indicated if exact weight is not known);
(iv) value of the article;
(v) reasons for which the articles were pawned or deposited;
vi) the date & terms and conditions of deposit or pawning;
vii) money owned by the person to the person with whom the articles were deposited/pawned, along with the rate of interest, if any, and total amount owned upto date; and
viii) documentary or other proof in respect of the claim.

While operations for the unearthing of buried treasures will commence by 1st March 1954, permission for the removal of buried articles by evacuees in respect of which claims are filed within the prescribed period, or have already been filed will be held up pending the determination of the claims by joint Committee of Offic nominated by the diplomatic representatives of India and Pakistan, a the claimants will be given reasonable facilities for establishing their claims before the Joint committee. Where such articles have been unearthed they will be kept in safe custody with the diplomatic representatives of the country to which the owner now belongs.

Claims should be sent only in respect of articles pawned or deposited with an evacuee, and not in respect of other dealings.

CONFIDENTIAL.

No.60(5)/53-N.
Government of India.
Ministry of Rehabilitation.

New Delhi, the 7th January 1954.

From

Shri P.G.Zacharish,
Deputy Secretary to the Govt. of India.

To The Chief Secretaries to all
State Governments (except West Bengal,
Assam, Manipur, Tripura and Jammu & Kashmir).

All Custodians of Evacuee Property.

Custodians General of Evacuee Property, New Delhi.

Subject:- Evacuee Property and other evacuee problems -
Discussions with Pakistan Government.

Sir,

I am directed to forward herewith for the information of the State Governments etc. a ~~xx~~ record of the decisions on evacuee property and other evacuee problems taken by the representatives of the Governments of India and Pakistan during the discussions held at Karachi from the 27th July, 1953 to 13th August, 1953, as ratified by both the Governments.

2. It will be seen from the record of the decisions that no agreement has been reached in respect of the following major items which have, however, been left open for further discussions:-

a) Problem of urban and agricultural evacuee properties (Sec.1 item No.23).

b) Bulk transfer of lockers and safe deposits; restoration of properties of non-evacuee sh joint Stock Companies and payment of compensation where properties of such companies have been acquired by Government; and release of shares, securities, debentures and Insurance Policies held in banks (Sec.III sub-item 24(1).).

These questions were to be further discussed with the representatives of the Pakistan Government in the 3rd week of September, 1953, and the Government of India had extended an invitation to the Pakistan Government for holding the meetings at New Delhi. The Pakistan Government have not yet intimated

the date....

and venue suitable to them for holding these discussions.

3. The question of protection and preservation of sanctity of shrines and holy places was also discusses at the meetings held in Karachixx and it was felt that every effort should be made to ensure that places of religious workship in both countries are properly protected and maintained and their sanctity preserved, particularly in the case of buildings of historical importance. It was also felt that increased facilities for visits to places of workship in both countries should be granted to pilgrims; and Sewanders and Khandims at such places should be granted facilities for residence and adequate protection. These decisions have not so far been ratified by the Government of Pakistan and the matter is under further consideration.

4. The representatives of the Pakistan Government had reserved their final decisions in respect of certain items. These are contained in paragraph 4 of sub-item(a), Item 24 of section III, para 3 of item No. 27 section V, paras 2 and 3 of item No. 32 section X and item No1 28 of Section VI of the record of the decisions. The Pakistan Government's decisions in respect of the following points have now been received. These are indicated below:-

i) They have not accepted the suggestion that the transportation charges for the removal of movable property to the headquarters of the High Commissioner or Deputy High Commissioner concerned should be borne by the Government of the country within whose jurisdiction the property lies. The Government of India have decided not to press this point further.

ii) The Government of Pakistan have also not agreed to the suggestion that there should be no restriction on the removal by evacuees of cash or bullion to the other country. The Governments of India have decided not to press this matter further for the present.

(iii) .....

(iii) The suggestion that income tax clearance certificates should not be demanded from evacuees coming from the other country to seek restoration of their movable property, has also not been accepted by the Pakistan Government. The Government of India have decided not to press this point further for the present.

iv) The suggestion that only 10% of the sale proceeds should be deducted as the Custodian's fee and no deduction should be made in case of articles physically taken over by the evacuee owner has been accepted by the Pakistan Government.

v) The suggestion that the forum for consideration of the third party claims should be a Joint committee of one officer each from India and Pakistan and that in case of disagreement between the members of the Joint Committee, the matter should be referred to the Custodian, whose orders will be final has been accepted by the Government of Pakistan.

The Pakistan Government's decisions on the other suggestions contained in the paragraphs referred to above are still awaited and will be communicated to the State Governments etc. in due course.

5. With regard to Implementation Instruction No.8- Court deposits, deposits of minors and others etc. (Sub-item (f) of item 24, Section III), it may be mentioned that the Government of India have since forwarded to the Government of Pakistan a draft of the legislation contemplated under Implementation Instruction No. 8. The proposal of the Pakistan Government that the legislation in question, should straightway be extended to the "non-agreed areas" also has been accepted by the Government of India. Further action to introduce the legislation will be taken on receipt of the Pakistan Government's concurrence to the proposed draft, and the State Governments etc. informed of it in due course.

6. Necessary action is being taken by the Government of India in respect of recommendations relating to Trust property (item No. 26 Sec.II), appointment of joint committees referred to in section III sub-item (b), and

appointment of Liaison Officers (Sec.III sub-item (g)) The question of slow verification of claims by the Central claims Organisation (Section VIII item No. 30) has already been discussed with the representatives of the Pakistan Government and as a result certain agreed decisions have been taken. Necessary instructions in the matter will be communicated separately.

7. Necessary implementation Instructions in regard to the other items covered by the record of the decisions will be issued as soon as possible for the guidance of the Custodian/Liaison Officer, rehabilitation authorities etc. The draft of the instructions has already been sent to the Government of Pakistan as envisaged in Section XII of the record of the decisions for their concurrence, and the return of the same is awaited. In the meantime it is requested that the State Governments, Custodians etc. may kindly take all preliminaries steps necessary for the implementation of the decisions.

Receipt may kindly be acknowledged.

Yours faithfully,

Sd/--P.G.ZACHARIAH,
Deputy Secretary to the Government of India.

Copy with five copies of the record of decisions on evacuee property and other evacuees problems forwarded for information to:-

All Ministries of the Government of India.

Partition Secretariat,

D.G.P. & T.

High Commissioner for India in Pakistan, Karachi.

Deputy High Commissioner for India in Pakistan, Lahore.

Sd/- Kanwar Bahadur,
Under Secretary to the Government of India.

DECISIONS OF THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF PAKISTAN ON THE NEGOTIATIONS BETWEEN THEIR REPRESENTATIVES AT KARACHI FROM 27MAY 1953 TO 13TH AUGUST 1953.

CATEGORY 'A' ITEMS.

I. Item No . 23 Settlement of Immovable Property both Urban and Rural.

The problem of urban and agricultural evacuee properties was disucced between the representatives of the two Governments, but no decisions were arrived at. This matter would be further disscussed.

(cf. Joint Press Communique dated 13-8-53.)

II. Item No. 26 - Trust Property.

This trust Property Committee of 1949 should be revive Its personnel may be changed or terms of reference revised, if necessary, by the two Governments in mutual consultation. The Committee should be required to submit its report within three months from the date of its appointment

2. The question of management of properties attached to religious and holy places in the two countries may be taken out of the purview of the Trust Property Committee and taken up by the two Governments for discussion in order to expedite the decisions thereon. For this purpose, the Government of India will forward to the Government of Pakistan a detailed note on the subject together with a list of such religious or holy placed in West Pakistan, the properties of which are not to be dealt with by the Trust Property Committee. The Pakistan Government will furnish a similar list in respect of the religious and holy places in India.

(cf. Minutes of the meeting held in the room of Mr. M.W.Abbasi, Secretary, Ministry of Refugees & Rehabilitation, Pakistan Government on 4th August 1953)

*Categories & Items Nos. appearing in the list prepared by the Indian Steering Committee have been given..

P.T.O.

CATEGORY 'B' ITEMS.

III. Item No. 24. - Agreement on Movable Property.

General - It is agreed that all steps necessary will be taken for the expenditure implementation of the items referred to below in accordance with the provisions of the Movable Property Agreement and Implementation Instructions issued thereunder subject to amplifications and modifications outlined in the succeeding sub-paragraphs.

(a) Implementation Instruction No. 3.

Movable Property lying with Custodians or friends and relations.

Restrictions on through booking of personal and household property should be removed and fresh instructions issued to allow the removal of such property of this category to the other country in accordance with the terms of Implementation Instruction No. 3. Lists of personal and household movables lying in the custody of the Custodians should be exchanged between the diplomatic representatives of the two Governments within a period of two months from an agreed date (1st January, 1954.). The Evacuee owners should be given a fixed period of 6 6 months in which to claim their removal or disposal. Where no such claim is made or where the owners are not in a position to make arrangements for their removal or disposal, the property at the disposition of the High Commissioner or the Deputy High Commissioner concerned be removed to his headquarter for further action. The properties not taken over by the evacuee owners for removal or sale or not required to be sent to his headquarters by the High Commissioner or the Deputy High Commissioner would be disposed of by the Custodians by auction in the presence of the diplomatic representatives of the evacuees' country and the sale proceeds handed over to the diplomatic representative concerned.

P.T.O.

2. With regard to the personal and household property left with friends and relations, evacuees will be allowed a further period of six months from the agreed date (1st January, 1954) within which they must remove their property. As regards fresh evacuees this period will count from the date of their becoming evacuees.

3. Third party claims against only trade goods and merchandise will be entertained. Such claims should be against the particular business only and not in respect of other dealings of the evacuee unconnected with the Business. But payments already made by the Custodians in respect of third party claims against movable property shall not be reopened. No new third party claims will be invited or entertained against trade goods and merchandise, excepting charges for storage or the like created by Courts or those of the Banks in respect of such goods are pledged or hypothecated with them. Such claims of the Banks must be registered with the Custodian within three months from an agreed date (1st January, 1954.).

(cf. paragraphs 4, 8, and 9 of the minutes of the meeting held at 3 P.M. on 27.7.1953).

4. The Government of Pakistan will consider the suggestion made by the Government of India in respect of the following points:-

i) The transportation charges for the removal of movable property to the headquarters of the High Commissioner or the Deputy High Commissioner concerned should be borne by the Government of the country within whose furisdiction the property lies.

(cf. para 4 of the Minutes of the meeting held on 27-7-1953 at 3 P.M.)

ii) There should be no restriction on the removal by evacuees of cash or bullion to the other country.

(cf. para 5 of the minutes of the meeting held on 27th July 1953 at 3 P.M.).

(iii) Income Tax Clearance Certificates should not be demanded from an evacuee coming from the other country to seek restoration of his movable property.

(cf. para 7 of the minutes of the meeting held on 27th July 1953 at 3 P.M.).

iv) Only 10 per cent of the sale proceeds should be deducted as the Custodian's fee and no deduction should be made in case of articles physically taken over by the evacuee owners.

(cf. para 8 of the minutes of the meeting held on 27th July 1953 at 3 P.M.)

5. In regard to personal and household property left with relations and friends, the Pakistan Government have pointed out that the discrimination made by India against the so-called 'first migrants' was untenable and that they are eligible to the benefits admissible to evacuees under the Movable Property Agreement. The Indian Government will look into the matter.

(cf. para 6 of theminutes of themeeting held on 27th July 1953 at 3 P.M.)

(b) Implementation Instruction No. 4 - Compensation for movable property allotted or acquired for rehabilitation purposes.

The jurisdiction and personnel of the Joint Committee initially required (two or three in number) should be decided by the two Governments in mutual consultation within a period of one month from 1.1.54, so that the Committees may start functioning for thwith. The assessment of compensation should

((v) The form for consideration of the third party claims should be a Joint Committee ~~X X X~~ I.C.S. 21/5 of one officer each from India and Pakistan. In case of disagreement between the members of the Joint committee, the matter should be referred to the Custodian whose orders would be final.)

(cf. para 9 of the minutes of the meeting held on 27th July 53 at 3 P.M.

be expedited. As provided in paragraph 8 of the Implementation Instruction, the moneys recovered by the Custodians will be paid to the diplomatic representatives of the country concerned along with lists showing full particulars.

(cf. para 2 of the minutes meeting held on 28-7-53.)

(c) Implementation Instruction No. 5 - Seized movable property.

Lists of seized movable property, including seized fire arms, should be exchanged between the diplomatic representatives of the two countries within three months from 1-1-54 and copies of the lists should simultaneously be forwarded to the Central Government of either country.

The procedure agreed to regarding personal and household effects will apply, mutatis mutandis, to seized movable property as regards its removal, however, be collected together and exchanged between the diplomatic representatives of the two countries.

delivered and handing over of Date fixed. Seized firearms will

(cf. para 3 of the minutes of the meeting held on 28th July 1953 and Mr. K.P.Mathrani's D.O.No.JS(II)-P4/53 dated 11-8-1953, to Mr. M.W.Abbasi)

(d) Implementation Instruction No. 6 Buried Treasures.

The procedure evolved for the recovery of buried treasure by the two Deputy High Commissioners in their meeting held on the 4th January, 1951, at Jullundur, in accordance with with the provisions of this ~~X~~ Instruction, is approved. The implementation of this item should start within two months from 1-1-54. As regards cash and bullion forming part of the buried treasures, the existing procedure for their disposal within the country will apply unless other wise decided in the light of the proposals made by the Government of India - vide para 4(ii) of sub-item (a) above.

(cf. para 4 of the minutes of the meeting held on 28th July 1953).

(e) Implementation Instruction No. 7 - Sale proceeds of movable property already deposited with Custodians.

The lists prepared in accordance with the existing Implementation Instruction should be exchanged between the diplomatic officers of the two governments within two months from 1-1-54 and the net total amount due to evacuee owners should also be simultaneously paid to the diplomatic officers concerned. As regards deductions on account of the expenses incurred by the Custodians and in respect of third party claims, etc., the principles decided and further to be decided in respect of household and personal effects etc. - vide paragraphs 3 and 4 of sub-item (a) above - will apply.

(cf. para 5 of the minutes of the meeting held on 28th July 1953)

(f) Implementation Instruction No. 8 - Court deposits, DEPOSITS OF MINORS AND OTHERS UNDER THE GUARDIANSHIP of courts and deposits of Wards under the Court OF WARDS ACT.

The draft of the legislation contemplated under this Instruction is under further examination of the Government of India and they will ~~have~~ address a separate communication in this behalf to the Government of Pakistan.

The Pakistan Government have proposed that the Legislation in question should straightway be extended to the non-agreed also. The Government of India agree to consider this proposal.

(cf. para 6 of the minutes of the meeting held on 28th July 1953.)

(g) Implementation Instruction No.9 post Office Savings Bank Accounts.

The Government of Pakistan will expedite the appointment of Liaison Officers and will try to appoint them within a fortnight. The verification and exchange of Post Office Savings Bank Accounts, etc. will be expedited and attempt should be made to start the actual work of exchange by 1st

January, 1954. The foregoing arrangements will not apply to the following types of accounts which at present form a subject of correspondence between the Finance Ministries of the two Governments:.

i) Conjoint Accounts.
ii) Public accounts.
iii) Security deposit accounts of contractors.
iv) Postal certificates pledged as security by contractors.

(cf. para 1 of the minutes of the meeting held on 29th July 1953).

(h) Implementation Instruction No. 10 - Postal Parcels.

Instructions should be issued once again that these postal parcels should be allowed to be redirected without any export restrictions whatsoever and without any charge of customs duties, and the parcels withheld should be released to the officers who have already been nominated by the two Governments for internal distribution in the two countries.

As regards the complaint in to the effect that the implementation of this Instruction was being held up in Delhi and Ajmer-Merwara, it is considered that the matter be discussed between the Directors-General, Post and Telegraphs, India and Pakistan.

(cf. para 2 of the minutes of the meeting held on 29th July 1953).

(i) Implementation Instructions Nos. 3, 11, and 13- Articles deposited in Banks, Properties of Joint-Stock Companies, Shares, Securities and Insurance policies.

The questions relating to the bulk of transfer of lockers and safe deposits; the restoration of properties of non-evacuee Joint Stock Companies and payment of compensation where properties of Joint Stock Companies have been acquired by Government; and the release of shares, securities, debendures and Insurance Policies held in banks were examined

and discussions will be resumed in the near future.

(cf. Joint Press Communique dated 13-953).

IV. Item No. 25. Shrines and Holy places- Preservation of Sanctity of.

(Views of the Government of Pakistan to be intimated later).

CATEGORY 'C' ITEMS.

V. Item No. 27 - Payment of Pensions to Displaced Persons from East Bengal.

It is agreed in principle that facilities for the transfer of pensions between the two Bengals which existed upto ~~pmmk~~ 31st December 1949, should be restored in respect of displaced pensioners of undivided Bengal. The questions of details such as the date upto which the transfers should be permitted, the arrangements for provisional payment etc. and all other consequential matters should be settled between the Governments of East and West Bengal. If there is any difference of opinion between the two Bengal Governments, the matter should be discussed again at the ~~m~~ level of the Central Governments. Efforts should be made to finalise the arrangements within 6 months.

2. Similar arrangements should also be made for the transfer of pensions between Assam and East Bengal.

3. The Government of India have suggested that arrangements should also cover those pensioners who retired in the two Bengals after partition. The Government of Pakistan agree to consider the suggestion in consultation with the East Bengal Government.

(cf. minutes of the meeting held at 11 A.M. on 3rd August 1953.)

VI. Item No. 28 - Part earned Pensions of Displaced Government Servants.

The Government of India have proposed that

(i) the employees of undivided Provinces, States and Centrally Administered areas who had no right of option and had migrated from one country to the other should be allowed the benefit

benefit of pension for the period of service rendered by them prior to migration; and

ii) the Government concerned in either country should assume responsibility for the payment of that portion of the pension which pertained to the period of pensionable service rendered under it, the liability therefore being liquidated by the Government concerned either by lump sum payment or any other manner considered suitable and convenient.

The matter is under consideration of the Pakistan Government in consultation with the Provincial Governments etc. and a decision will be expedited by the Pakistan Governments
(cf. minutes of the meeting held at 11 A.M. on 3rd August 1953.)

The functions of the Central Claims organisation will be extended and the following types of claims will be brought within the purview of that organisation:-

i) Claims of contractors of all types(including claims against States and Local Bodies) for supplies and services rendered; for refund of earnest money, securities etc. and refund of deposits on account of sale of surplus stores.

ii) Securities deposited by evacuees on account of Ration Shops, Food Grain Syndicates, Liquor shops etc.

iii) Securities deposited by treasury contractors.

iv) Dues of evacuees in respect of Court of Wards, Encumbered Estates etc. in other than mass migrated areas as indicated in the Movable Property Agreement of June, 1950, and Implementation Instruction No. 8.

v) Determined deposits of evacuees in courts and decree claims in favur of evacuees where the money is payable by or lying with Government or quasi-Government bodies.

vi) Dues of evacuees payable by Co-operative Institutions including Railway Co-operative Societies and also societies in individed Bengal and Assam, if they were catering for Central Government employees only.

NOTE:- Claims against cooperative societies in individed Bengal and Assam and in areas covered by the Banking Agreement of April 1949 (except those mentioned above)

will be settled separately under existing arrangements between the divided provinces of East and Punjab.

vii) Dues (including pay, leave salary and Provident Fund etc,) of University employees and dues of Examiners payable by Universities including the Punjab University, Lahore and Jamia Millia, Delhi.

viii) Refund of examination fees due to evacuees from universities.

ix) Revenue deposits payable to evacuees.

x) Scholarships due to evacuee students.

xi) Dues of evacuees in respect of Postal Life Insurance Policies (Policies which have become payable plus capitalized value of unmatured policies).

xii) Provident Fund dues and pension claims of ex-employees of the Reserve Bank of India.

xiii) Claims for compensation to shareholders of the Reserve Bank of India.

xiv) Claims for compensation for the properties of Joint Stock Companies acquired by Government and quasi-Government bodies.

NOTE:-

Applications in respect of item (xiii) will be entertained forthwith but payment in this behalf will be made only after decision has been taken in regard to the payment of item (xiv).

xv) Claims for refund of the value of defective and damaged India notes.

2. With reference to item (i) of the list, no fresh claims will be invited by the Government of India where claims have already been submitted by the Contractors in Pakistan to the Authorities concerned in India in accordance with the Government of India Press Communique of 22/23rd May 1948, and in cases where verification has already been completed, payment authorities will be issued forthwith through the Central Claims Organisations. In cases where any information is lacking, further enquiries will be made through the Central Claims Organisation.

3. In regard to item (vi) of the list the claims for the recovery of dues of Cooperative Societies from their migrant members will be processed through the Central Claims Organisations and such claims will be passed on by the Organisations

to the parties concerned. In the case of Government servants, the heads of departments will be requested to persuade the employees concerned toh honour their obligations.

4. With regard to the suggestion of the Government of India that the claims of the displaced employees of the Punjab Public Library should also be included, it is agreed that the question of claims against all Public Libraries will be considered separately.

5. As regards the claims against Anglo-Arabic College, a reverence will be made separately by the Pakistan Government if the item is not covered by the Banking Agreement of April 1949.

6. An agreed Press Communique will be issued on the same date in India and Pakistan inviting claims in respect of the various items in the list.

(cf. Minutes of the meeting held at 11 A.M. on 3rd August, 1953.)

VIII. Item No. 30 Slow verification of claims by the Central Claims Organisations.

The verification of claims of employees of Provincial Governments, States and Local Bodies should be expedited and every effort should be made to ensure that the outstanding claims are cleared by 31st March 1954. The officer-in-charge of the Central Claims Organisations of the two Govts. should meet and devise ways and means to speed up the work. They should also reconcile the figures of outstanding claims as there is a disparity between the figures given by the two Organisations. The officers should meet within one month, if possible, and submit a joint report to the Central Governments.

(cf. Minutes of the meeting held at 11 A.M. on 3rd August, 1953.)

IX. Item No. 31 - Exchange of Revenue Records.

The supply of copies of revenue records outstanding on both sides will be expedited. The Pakistan Government will have no objection to the visit of Indian Officers to settle any outstanding matters arising out of the exchange of the copies of revenue records with the Ministry of Refugees and Rehabilitation.

The Government of India will supply copies of revenue records of agricultural land treated as evacuee property in all the areas to which the Indian Evacuee Property law had been applied.

(cf. para 3 of the minutes of the meeting held at 12 noon on 27-7-1953 and para. 1 of the meeting at 3 P.M. on 27-7-1953.)

X. Item No. 32 - Non-forfeiture of Security Deposits of Contractors etc. who migrated from one country to the other.

In regard to Security deposits, including deposits in the form of cash, securities, insurance policies, saving certificates, saving bank accounts, etc. which may have been deposited or transferred by Contractors, it is agreed that the depositors should not be penalised for non-fulfilment of conditions of the contract due to migration. These deposits will accordingly be returned to the depositors. Similarly, bonds of prsonal sureties will be cancelled and returned to the parties concerned through the diplomatic representatives.

2. The Pakistan Government agree to examine the proposal of the Indian Government that the Government dues pertaining to the particular contract they should be recovered and that all such claims should be examined by a Joint Committee consisting of the representatives of the two Governments.

3. With regard to resumptions by the Provincial Governments of agricultural land such as colony land in the Punjab or barrage land in Sind for non-fulfilment of conditions of grant it was agreed that the Pakistan Government would consider the

suggestion of the Government of India that where it was not possible to cancel the net grants or assignments in respect of such land the sale-proceeds should be credited to the evacuee accounts with the Custodians.

(cf. para 4 of the minutes of the meeting held at 12 noon on 27..7.1953 and Mr. Mathrani's D.O.letter No. JS(XI)-P.A/53 dated 11-8-53 to Mr. Abbasi)

XI . MISCELLANEOUS ITEMS.

(a) Amendments to the Succession Act.

The Government of India agree to expedite the matter.

(cf. para 5 of the minutes of the meeting held at 12 noon on 27-7-1953).

(b) Restoration and re-validation of Bank drafts, cheques etc.

(cf. para 4 of the minutes of the meeting held at 10 A.M. ON 28th-1953).

XII. GENERAL.

After the finalisation of these proposals supplementary instructions would be issued by the two Governments on an agreed basis for the guidance of Custodians, Liaison Officers, Rehabilitation authorities etc. The question of appointment of Liaison Officers for the implementation of the Movabl Property Agreement would be taken up by the two Governments in consultation with each other.

(cf. para 4 of the minutes of the meeting held at 10 A.M. on 3-8-1953).

Sd/- (K.P.MATHRANI)

Joint Secretary to the Government of India, Ministry of Rehabilitation,

Sd/- (M.W.ABBASI)

Secretary to the Government of Pakistan, Ministry of Rehabilitation, and Refugees.

HSS.
22/5

IMMEDIATE.

No.6(1)/54-N.
Government of India.
Ministry of Rehabilitation.

New Delhi, the 2nd February 1954.

According to the Revised Implementation Instructions relating to the movable proprty of evacuee forwarded with this Ministry's letter No. 6(1)/54-N dated the 22nd January 1954, various statements have to be prepared by the Custodians for exchange with the Pakistan Government. These statements will no doubt be compiled with the utmost care. In order to facilitate speedy preparation of these lists, the following clarification is made for the guidance of the Assistant/Deputy Custodians and Custodians:-

(1) PERSONAL AND HOUSEHOLD MOVABLES LYING WITH CUSTODIANS - STATEMENT NO. 1 AS PER IMPLEMENTATION INSTRUCTION NO. 2.

(a) The lists should be confined to personal and household movables. It is difficult to define the goods falling in this category, but it would obviously include furniture, beddings, clothings, radio sets, gramophones, musical instruments, sewing machines, refrigerators, carpets and rugs motor cars, bicycles, motor cycles, professional instruments, books etc. This is only illustrative and not exhaustive, Outstock-in-trade, merchandise etc. which are obviously not personal and household effects are not to be included in these lists. Similarly, shares, securities, debentures, incurance policies of evacuees should be excluded.

(b) With a view to facilitate restoration of property to evacuee owners, the Assistant/Deputy Custodians and Custodians should, while compiling the statement check the articles

physically with the lists.

(c) Similarly, separate lists should be prepared of personal and household movables of evacuees who have returned to India on Permanent Resettlement Permits or who have not migrated to Pakistan if such articles are in the custody of the Custodians. These statements should also be clearly distinguished by giving a suitable indication in the heading.

(ii) COMPENSATION FOR MOVABLE PROPERTY ALLOTTED OR ACQUIRED - STATEMENT NO. III AS PER IMPLEMENTATION INSTRUCTION NO. 4.

Custodian's fee vide column 5, should be levied at a uniform rate of 10% of the amount of compensation assessed

(iii) SEIZED MOVABLE PROPERTIES - STATEMENTS NOS. IV-A V, VI & VII AS PER IMPLEMENTATION INSTRUCTION NO. 5.

Movable property of evacuees seized on account of any specific breach of law prior to migration (e.g. possession of arms without licence, attempt to smuggle prohibited goods, attempt to export prohibited or dutiable articles by making false declaration etc.) are not to be deemed as property to be dealt with in accordance with the law under which it has been seized.

be released under the movable property agreement. Such property will

(iv). SALE PROCEEDS OF MOVABLE PROPERTIES-STATEMENTS NOS. VII, IX-A & IX-B AS PER IMPLEMENTATION INSTRUCTION NOS. 7.

In regard to storage charges (vide column 8 of Statements Nos. IX-A & IX-B) as far as possible charges actually incurred should be deducted and where actual expenditure in respect of individual owners or articles cannot be easily determined on account of bulk storage etc., deductions may be made at a flat rate which may be determined by the Custodians on the basis of the total storage and

and "ex-gratia" expenditure incurred by them.

Sd/-
(K.P.MATHRANI)
Joint Secretary to the
Government of India.

To

All Custodians and Assistant/ Deputy
Custodians of Evacuee Property.

Copy forwarded to the Chief Secretaries of all the State Governments (except Assam, West Bengal, Manipur, Tripura and Jammu & Kashmir)

Copy also forwarded to the Custodian General of Evacuee Property, New Delhi

Sd/-
(KANWAR BAHADUR)
Under Secretary to the
Government of India.

BS.
12/5

IMMEDIATE.
CONFIDENTIAL.

EXPRESS LETTER

To:- All Collectors and Deputy
Custodians of Evacuee property.

No. EVP1154/4837-B

Secretariat(Annexe) Fort,
Bombay (1), 12th February 1954.

Subject:- Evacuee Property and other evacuee problems-
discussions with Pakistan Government.

Reference confidential Government Endorsement, Rehabilitation Department, No. EVP1154/3629-B, dated the 10th February 1954, on the above subject.

2. In preparing statements referred to in paragraph 3 of the Government Endorsement, mentioned above, the clarificatio given in (III) of letter from the Government of India, Ministry of Rehabilitation, No. 6(1)/54-N, dated the 2nd February 1954, may please be borne in mind.

Sd/-
(N.M.JANI)
For Assistant Secretary to the Government
Bombay, Rehabilitation Department.

HSS.
22/5